

AMENDED IN ASSEMBLY JUNE 21, 2005

**SENATE BILL**

**No. 1028**

**Introduced by Senator Bowen**  
**(Coauthor: Senator Vincent)**  
(Coauthor: Assembly Member Koretz)

February 22, 2005

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An act to add Section 3003 to the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1028, as amended, Bowen. Hunting: ~~computer-assisted remote Internet hunting.~~

**Existing**

(1) *Existing* law sets forth the methods and conditions of taking any bird or mammal and specifies that it is unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated. Existing law also requires each person that takes birds or mammals in California to apply for, and be granted, a hunting license.

~~This bill would make it unlawful for any person subject to the jurisdiction of this state to take birds or mammals, located both in state and out of state, by means of computer-assisted remote hunting, as defined. The bill would also make it unlawful to establish or operate a computer-assisted remote hunting site in this state for the purpose of permitting the taking of any bird or mammal: to shoot, shoot at, or kill any bird or mammal with any gun or other device accessed via an Internet connection in this state. The bill would make it further unlawful for any person, firm, corporation, partnership, limited liability company, association, or other business entity to own or operate a shooting range, site, or gallery located in the state for purposes of the online shooting or spearing of any bird or mammal~~

*and for any person, firm, corporation, partnership, limited liability company, association, or other business entity to create, maintain, or utilize an Internet Web site, or a service or business via any other means, from any location within the state for purposes of the online shooting or spearing of any bird or mammal. This bill would make it unlawful to possess or confine any bird or mammal in furtherance of an any activity prohibited by the bill, and would also make it unlawful to import or export any bird or mammal, or any part thereof, taken by computer-assisted remote hunting that is killed by any device accessed via an Internet connection, as provided.*

This bill would specify that any bird or mammal possessed in violation of this bill would be subject to seizure by the Department of Fish and Game.

This bill would make legislative findings and declarations relating to computer-assisted remote hunting.

~~Existing~~

(2) *Existing* law generally provides that a violation of the fish and game laws is a crime.

This bill would impose a state-mandated local program by creating new crimes.

~~The~~

(3) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) California hunting licenses are valid only within the State  
4 of California, and may not be used to take animals located in  
5 other states.

6 (2) Any person issued a California hunting license must  
7 comply with the laws and regulations of California.

(3) A violation of the laws and regulations relating to hunting in the State of California ~~is~~ *may constitute* a crime.

(b) It is the intent of the Legislature to make unlawful the taking of birds or mammals located both in state and out of state, if technology is used to aim and discharge a weapon used in the taking without the ~~hunter~~ *person discharging the weapon* being physically present.

SEC. 2. Section 3003 is added to the Fish and Game Code, to read:

3003. (a) It is unlawful for any person ~~subject to the jurisdiction of this state to participate in computer-assisted remote hunting for the purpose of taking any bird or mammal located either in this state or out of state.~~

~~(b) It is further unlawful to establish or operate a computer-assisted remote hunting site in this state for the purpose of permitting the taking of any bird or mammal. to shoot, shoot at, or kill any bird or mammal with any gun or other device accessed via an Internet connection in this state.~~

~~(b) It is further unlawful for any person, firm, corporation, partnership, limited liability company, association, or other business entity to do either of the following:~~

~~(1) Own or operate a shooting range, site, or gallery located in the state for purposes of the online shooting or spearing of any bird or mammal.~~

~~(2) Create, maintain, or utilize an Internet Web site, or a service or business via any other means, from any location within the state for purposes of the online shooting or spearing of any bird or mammal for the purposes of this section.~~

(c) It is unlawful to possess or confine any bird or mammal in furtherance of an activity prohibited by this section.

(d) It is unlawful for any person in this state to import into, or export from, this state any bird or mammal, or any part thereof, that is ~~taken by computer-assisted remote hunting~~ *killed by any device accessed via an Internet connection.*

(e) Any bird or mammal, or any part thereof, that is possessed in violation of this section shall be subject to seizure by the department.

(f) For the purposes of this section, ~~“computer-assisted remote hunting”~~ *“online shooting or spearing”* means the use of a computer or any other device, equipment, software, or

1 technology, to remotely control the aiming and discharge of any  
2 weapon, including, but not limited to, any firearm, bow and  
3 arrow, spear, slingshot, harpoon, or any other projectile device;  
4 ~~to hunt any bird or mammal.~~

5 SEC. 3. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the  
10 penalty for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition of a  
12 crime within the meaning of Section 6 of Article XIII B of the  
13 California Constitution.